

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

ROSEMARY COVERT,

Plaintiff,

vs.

AUSTIN MICU,

Defendant.

CV 22-0053-SEH

ORDER

On June 30, 2022 Pro Se Plaintiff Rosemary Covert filed a 42 U.S.C § 1983 Complaint, a Motion for Leave to Proceed in Forma Pauperis, and a Motion to Appoint Counsel<sup>1</sup> in which she asserted that following the arrest of her husband, Joseph Covert, she was interrogated, eventually patted down and searched by Officer Austin Micu at the Deer Lodge Jail,<sup>2</sup> and that the search constituted both a sexual assault and a violation of Fourth and Fifth Amendment rights.<sup>3</sup> Injunctive relief, compensatory damages, and punitive damages against Officer Micu are sought.<sup>4</sup>

On the same day Plaintiff's complaint was filed, Plaintiff's husband, Joseph Covert, filed a separate civil rights action.<sup>5</sup> Rosemary Covert's Motion to Proceed

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<sup>1</sup> See Docs. 1, 2 & 3.

<sup>2</sup> Comp. Doc. 2 at 1-2.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *Id.* at 3-4.

<sup>5</sup> See, *Covert v. Deer Lodge Jail, et al.*, Cause No. CV-22-52-H-SEH, Comp. (filed June 30, 2022).

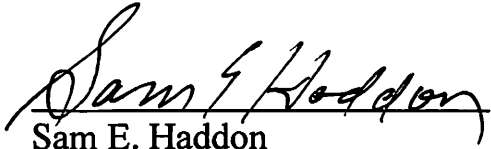
in Forma Pauperis in Cause No. 6:22-cv-00053-SEH, requests that the same motion be utilized in Joseph Covert's case, Cause No. 6:22-cv-SEH-00052, against the Deer Lodge Jail.<sup>6</sup>

Joseph Covert does not represent Rosemary Covert. He may not act for or seek relief on her behalf in Cause No. 6:22-cv-00053-SEH.<sup>7</sup>

**ORDERED**

1. This case is DISMISSED without prejudice.
2. All pending motions are DENIED as moot.

DATED this 8<sup>th</sup> day of July, 2022.

  
Sam E. Haddon  
United States District Court Judge

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<sup>6</sup> Doc. 1 at 5.

<sup>7</sup> See, *Russell v. United States*, 308 F. 2d 78, 79 (9<sup>th</sup> Cir. 1962) (“a litigant appearing in propria persona has no authority to represent anyone other than himself”).